



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-32-10 et seq.
Regulation Title:	Virginia Pollution Abatement (VPA) Permit Regulation
Action Title:	Amend Existing Regulation
Date:	January 11, 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose*

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the proposed action is to revise the Board's VPA Permit Regulation to bring it up to date with current state law requirements and to clarify the intent of certain other provisions. Under Executive Order 25(98), agencies must review the effects, burdens and consequences of their regulations every three years. This rulemaking will also accomplish the mandated regulatory review.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The basis for this regulation is Section 62.1-44.2 et seq. of the Code of Virginia. Specifically, Section 62.1-44.15(5) authorizes the Board to issue Virginia Pollution Abatement (VPA) permits and Section 62.1-44.15(10) authorizes the Board to adopt regulations necessary to carry out its water programs.

Need*

Please detail the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied

The VPA Permit Regulation has not been amended since 1996. There have been a number of statutory changes since then that bear on the administration of the VPA program and the regulation should be revised to reflect them. Specifically: § 62.1-44.2 and § 62.1-44.15:15 were amended by the 2000 General Assembly; § 62.1-44.15:4 was enacted by the 1997 General Assembly; §62.1-44.17:1 was amended by the 1998 General Assembly. Therefore, the proposed regulatory action would be essential to protect the health, safety and welfare of the citizens of Commonwealth.

Substance*

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed.

The proposed amendments will clarify the requirements for confined animal feeding operations, clarify the signatory requirements for permit applications and reports, and update the public participation provisions of the regulation to reflect recent legislation. Other amendments may be identified following the submittal of public comment on this Notice.

Alternatives*

Please describe the process by which the agency has considered, or will consider, less burdensome and less intrusive alternatives for achieving the need. Also describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action, and the reasoning by which the agency has rejected any of the alternatives considered.

At this point, the Board has not considered any alternatives to the proposed rulemaking. The proposed revisions that have been identified to date are designed to bring the regulation into conformance with the Code of Virginia. Information gathered from the public during the NOIRA comment period may identify alternatives that will be considered.

Public Participation*

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also indicate whether a public meeting is to be held to receive comments on this notice. Indicate that 1) the agency is not holding a meeting because the agency has authorized proceeding without holding a meeting or 2) the agency is holding a meeting. If a public meeting is to be held, indicate where information on the public meeting (i.e., date, time and place) may be found.

The Board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the amendments proposed in this notice or other alternatives and (iii) the impacts of the regulation on farm or forest lands. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time. Written comments must include the name and address of the comment and must be received by the close of the comment period. Written comments should be addressed to Richard W. Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240 (fax: 804-698-4032; e-mail: rwayers@deq.state.va.us).

Participatory Approach*

Please indicate the extent to which an ad hoc advisory group will be used in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board is inviting comment on whether to use the participatory approach in the development of the amendments.

In addition, if enough public interest is shown, a Technical Advisory Committee will be formed by the Department to assist in the development of the regulation. Any person who desires to be on the committee should notify the agency contact in writing by the close of the public comment period and provide their name, address, phone number and the name of the organization they represent.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children;

2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that this regulation will have a direct impact on families.